



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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March 4, 2014

Arnold Peterschmidt, P.E.
City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277

RE: Requested Amendment to Administrative Order #7917 (NWS-2009-1151), Windjammer Park Stormwater Outfall Replacement Project, in Oak Harbor, Island County, Washington


Dear Mr. Peterschmidt:

Enclosed is an amendment to the Water Quality Certification issued on September 20, 2010, for the above project.

The purpose of this amendment is to respond to the February 20, 2014 request from the City of Oak Harbor to remove a condition due to a change in permitting approach by the U.S. Army Corps of Engineers (Corps), and to change the expiration date of the Order to align with the Corps' authorization.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,


Erik Stockdale, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office

ES:rrp:mrw
Enclosure

By certified mail: 7011 0470 0003 3720 8636

cc: Karen Urelius, U.S. Army Corps of Engineers
Doug Thompson, Washington Department of Fish and Wildlife
Bridget Kaminski-Richardson, Washington Department of Natural Resources
Margaret Schwertner, Moffatt & Nichol

e-cc: David Pater – NWRO
Loree' Randall – HQ
Raman Iyer – NWRO
ecyrefedpermits@ecy.wa.gov



IN THE MATTER OF GRANTING A)	ORDER #7917 First Amendment
WATER QUALITY)	Corps Reference No. NWS-2009-1151
CERTIFICATION TO)	Windjammer Park Stormwater Outfall
City of Oak Harbor)	Replacement Project; Oak Harbor Bay,
in accordance with 33 U.S.C. 1341)	Oak Harbor, Island County, Washington.
(FWPCA § 401), RCW 90.48.120, RCW)	
90.48.260 and Chapter 173-201A WAC)	

TO: Arnold Peterschmidt, P.E.
City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277

This amendment is to the above-referenced Administrative Order approved and issued by the Department of Ecology (Ecology) on September 20, 2010.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order #7917 is hereby amended as follows:

1. Condition A5 that reads:

A5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue an individual Section 404 permit.

Is rescinded.

2. Condition D1 that reads:

D1. This Order expires five (5) years from the date of issuance of the Corp permit.

Is replaced with:

D1. This Order expires March 18, 2018.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Rebekah Padgett
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7129
rebekah.padgett@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice And Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173-204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173200.html

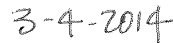
Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



Erik Stockdale, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office



March 4, 2014